

including, in the case of a corporation, certification by a duly authorized officer of such corporation that such corporation approves each and every provision of such program and of such schedule.

Section 201.244 Revisions

The owner or operator of an emission source or air pollution control equipment subject to an approved compliance program and project completion schedule may request a revision of such program or schedule at any time. In addition, the Agency may require a revision upon any change in the Act or this Chapter. The Agency shall not approve any revision which contains a final compliance date later than the applicable date prescribed in Subchapter c of this Chapter.

Section 201.245 Effects of Approval

The approval of a compliance program and project completion schedule shall be a condition precedent to the issuance and effectiveness of a permit pursuant to Subpart D. An approved compliance program and project completion schedule, and full compliance therewith, and a current operating permit, shall be a prima facie defense to any enforcement action alleging a violation of the standards or limitations set forth in Subchapter c of this Chapter with respect to any air contaminant included in such program and schedule during the period of the program. Failure to adhere to an approved compliance schedule shall constitute a violation of this Part for which appropriate sanctions may be sought in accordance with the Act.

Section 201.246 Records and Reports

Any person subject to this Subpart shall maintain such records and make such reports as may be required in procedures adopted by the Agency pursuant to Subpart K.

Section 201.247 Submission and Approval Dates

The owner or operator of an emission source required to have a compliance plan and project completion schedule shall have a compliance plan and a project completion schedule, where applicable, approved by the Agency by the dates indicated in Subchapter c of this Chapter. A compliance plan and project completion schedule, where applicable, shall be submitted at least 90 days before the date required in Subchapter c of this Chapter.

SUBPART I: MALFUNCTIONS, BREAKDOWNS OR STARTUPS

Section 201.261 Contents of Request for Permission to Operate During a Malfunction, Breakdown or Startup

- a) A request for permission to continue to operate during a malfunction or breakdown, if

desired, shall be included as an integral part of the application for an operating permit pursuant to Subpart D, and shall include as a minimum: a full and detailed explanation of why such continued operation is necessary; the anticipated nature, sources and quantities of emissions which will occur during such continued operation; the anticipated length of time during which such operation will continue; all measures, such as use of off-shift labor or equipment which will be taken to minimize the quantity of air contaminant emissions and length of time during which such operation will continue. When the standards or limitations of Subchapter c of this Chapter will be violated during startup, a request for permission to violate such standards or limitations shall be an integral part of the application for an operating permit pursuant to Subpart D, and shall include, as a minimum: a description of the startup procedure for each emission source, the duration and frequencies of such startups; the types and quantities of emissions during such startups and the applicant's efforts to minimize any such startup emissions, duration of individual startups and frequency of startups.

- b) The Agency may adopt procedures which require data and information in addition to or in amplification of the matters set forth in subsection (a), and which set forth the format in which all data and information shall be submitted. Such procedures and formats, and revisions thereto, shall not become effective until filed with the Secretary of State as required by the Administrative Procedure Act (Ill. Rev. Stat. 1981, ch. 127, par. 1001 et seq.) (APA).

Section 201.262 Standards for Granting Permission to Operate During a Malfunction, Breakdown or Startup

Permission shall not be granted to allow continued operation during a malfunction or breakdown unless the applicant submits proof to the Agency that: such continued operation is necessary to prevent injury to persons or severe damage to equipment; or that such continued operation is required to provide essential services; provided, however, that continued operation solely for the economic benefit of the owner or operator shall not be a sufficient reason for granting of permission. Permission shall not be granted to allow violation of the standards or limitations of Subchapter c of this Chapter during startup unless the applicant has affirmatively demonstrated that all reasonable efforts have been made to minimize startup emissions, duration of individual startups and frequency of startups.

Section 201.263 Records and Reports

Any person who causes or allows the continued operation of an emission source during a malfunction or breakdown of the emission source or related air pollution control equipment when such continued operation would cause a violation